



#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-1123-A)

In re Application of:)
Cunningham, et al.)
Serial No.: 09/929,957) Examiner: TBA
Filed: August 15, 2001) Art Unit: 1743
For: A Label-Free High-Throughput Optical)
Technique for Detecting Biomolecular)
Interactions)

DECLARATION OF LISA M.W. HILLMAN

I, Lisa M.W. Hillman, patent attorney for the Applicant in the firm of McDonnell, Boehnen, Hulbert & Berghoff declare as follows:

(1) The firm of McDonnell, Boehnen, Hulbert & Berghoff, 300 South Wacker Drive, Chicago, Illinois, 60606, represents the Applicant, SRU Biosystems, 10-A Roessler Road, Woburn, MA 01801. I am a patent attorney registered to practice before the United States Patent and Trademark Office, Registration No. 43,673.

(2) On October 23, 2001, I sent patent application Ser. No. 09/929,957, entitled "A Label-Free High Throughput Optical Technique for Detecting Biomolecular Interactions" including the specification, claims, drawings and declaration, to Dr. Douglas Hobbs at 1998 Massachusetts Avenue, Lexington, MA 02420. The cover letter requested a response by November 5, 2001. Copies of the cover letter and declaration are attached as Appendix 1. The package was sent by Federal Express and included a return Federal Express envelope for Dr. Hobbs' convenience. Federal Express delivered the package to Dr. Hobbs on October 24, 2001 and was signed for at the above-mentioned address by "Hobbs." A copy of the Federal Express Tracking document, including a


copy of the signature, is attached as Appendix 2. No response was ever received from Dr. Hobbs.

- (3) On November 5, 2001, I sent another copy of the above-mentioned declaration to Dr. Douglas Hobbs at 1998 Massachusetts Avenue, Lexington, MA 02420. The cover letter requested a response by November 12, 2001. A copy of the cover letter is attached as Appendix 3. The package was sent by Federal Express and included a return Federal Express envelope for Dr. Hobbs' convenience. Federal Express delivered the package to Dr. Hobbs on November 6, 2001 and was signed for at the above-mentioned address by "Hobbs." A copy of the Federal Express Tracking document, including a copy of the signature, is attached as Appendix 4. No response was ever received from Dr. Hobbs.
- (4) On November 12, 2001, I sent another copy of the above-mentioned declaration to Dr. Douglas Hobbs at 1998 Massachusetts Avenue, Lexington, MA 02420. The cover letter requested an immediate response. A copy of the cover letter is attached as Appendix 5. The package was sent by Federal Express and included a return Federal Express envelope for Dr. Hobbs' convenience. Federal Express delivered the package to Dr. Hobbs on November 13, 2001 and was signed for at the above-mentioned address by "Hobbs." A copy of Federal Express Tracking document, including a copy of the signature, is attached as Appendix 6. No response was ever received from Dr. Hobbs.
- (5) As of December 20, 2001, I have not received a response from Dr. Hobbs.
- (6) I hereby certify that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18

of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: December 20, 2001

By: 
Lisa M.W. Hillman
Reg. No. 43,673



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Delivery Date/Time 11/13/2001 09:01
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Service Type Priority Letter

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Arrived at FedEx Destination Location LEXINGTON MA	11/13/2001 07:48
Arrived at FedEx Ramp EAST BOSTON MA	11/13/2001 07:32
Left FedEx Sort Facility INDIANAPOLIS IN	11/13/2001 04:38
Held at Sort Facility INDIANAPOLIS IN	11/13/2001 03:38
Held at Sort Facility INDIANAPOLIS IN	11/13/2001 03:37
Arrived at Sort Facility INDIANAPOLIS IN	11/13/2001 01:25
Left FedEx Origin Location CHICAGO IL	11/12/2001 22:38
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Pickup status CHICAGO IL	11/12/2001 17:59

Comments

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312 913 0001 phone
312 913 0002 fax

October 23, 2001

Douglas Hobbs
1998 Massachusetts Avenue
Lexington, MA 02420

Re: U.S. Patent Application Ser. No.: 09/929,957
Entitled: **"A Label-Free High-Throughput Optical Technique for
Detecting Biomolecular Interactions"**
Inventors: Cunningham et al.
Our Ref. No.: 00-1123-A

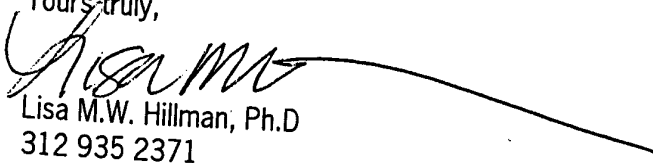
Dear Dr. Hobbs:

Enclosed is a copy of the patent application for the above-referenced case, which was filed with the United States Patent and Trademark office on August 15, 2001.

Also enclosed is a declaration and power of attorney form. Please sign and return the form by November 5, 2001. We have enclosed an assignment form as well. Please sign and notarize the assignment and return it along with the declaration and power of attorney. We would like to remind you that according to the October 25, 2000 "Memorandum of Understanding" you are obligated to sign these documents.

We have enclosed a Federal Express envelope for your convenience.

Yours truly,


Lisa M.W. Hillman, Ph.D
312 935 2371
hillman@mbhb.com

LMWH:tmp

Enclosure

cc: John J. McDonnell (w/o encl.)
Homer Pien (w/o encl.)



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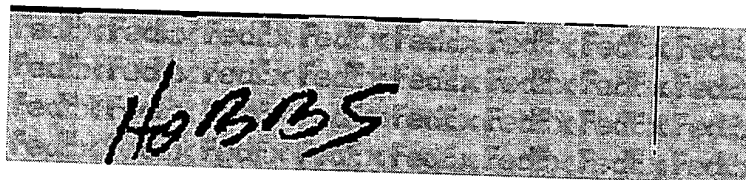
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Signed For By: H.OBBS



Delivery Location: 1998 MASS

Delivery Date: November 13, 2001

Delivery Time: 0901

Shipping Information:

Tracking No: 494717707702

Ship Date: November 12, 2001

Recipient:

DOUGLAS HOBBS

1998 MASSACHUSETTS AVENUE
LEXINGTON, MA 024200000
US

Shipper:

M B H B

M B H B

300 S WACKER DR STE 3200
CHICAGO, IL 606066705
US

Shipment Reference Information:

00067000005LMH09

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Tracking Number 494717704758
Reference Number 00067000005LMH09
Ship Date 10/23/2001
Delivered To Recipient
Delivery Location LEXINGTON MA
Delivery Date/Time 10/24/2001 09:18
Signed For By H.OBBS
Service Type Priority Pak

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Left FedEx Ramp EAST BOSTON MA	10/24/2001 07:48	
Left FedEx Sort Facility INDIANAPOLIS IN	10/24/2001 03:45	
Held at Sort Facility INDIANAPOLIS IN	10/24/2001 02:57	
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Arrived at Sort Facility INDIANAPOLIS IN	10/24/2001 00:40	
Left FedEx Origin Location CHICAGO IL	10/23/2001 23:04	
Left FedEx Sort Facility CHICAGO IL	10/23/2001 21:32	
Arrived at Sort Facility CHICAGO IL	10/23/2001 21:19	
Pickup status CHICAGO IL	10/23/2001 17:59	Pre-routed meter pkg picked up

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To

To

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A Label Free High-Throughput Optical Technique for Detecting Biomolecular Interactions

the specification of which is attached hereto unless the following space is checked:

☒ was filed on August 15, 2001 as United States Application Serial Number: 09/929,957.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.			
2.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.	60/244,312	October 30, 2000
2.	60/283,314	April 12, 2001
3.	60/303,028	July 3, 2001

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

1. Application Number Filing Date Status: patented, pending, abandoned
2.

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

Customer Number: 020306

Principal attorney or agent: Lisa M.W. Hillman

Telephone number: 312-913-0001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second joint inventor: Douglas Hobbs

Inventor's signature: _____

Date: _____

Residence: 1998 Massachusetts Avenue
Lexington, MA 02420

Citizenship: U.S.A.



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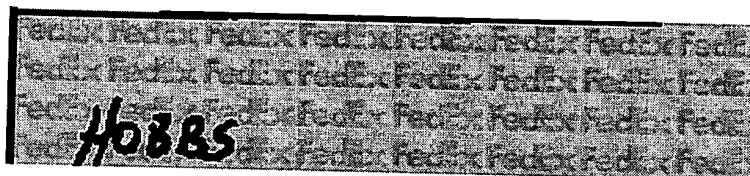
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Delivery Location: 1998 MASS

Delivery Date: November 6, 2001

Delivery Time: 0914

Shipping Information:

Tracking No: 494717706577

Ship Date: November 5, 2001

Recipient:

02420

US

Shipper:

Shipment Reference Information:

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300 South Wacker Drive 312 913 0001 phone
Chicago, Illinois 60606-6709 312 913 0002 fax
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November 5, 2001

Via Federal Express

Douglas Hobbs
1998 Massachusetts Avenue
Lexington, MA 02420

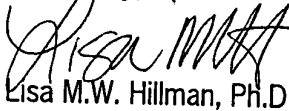
Re: U.S. Patent Application Ser. No.: 09/929,957
Entitled: **"A Label-Free High-Throughput Optical Technique for
Detecting Biomolecular Interactions"**
Inventors: Cunningham *et al.*
Our Ref. No.: 00-1123-A

Dear Dr. Hobbs:

Enclosed are second copies of the declaration and power of attorney forms. Copies of these documents were sent via Federal Express to you on October 23, 2001. We have not yet received the signed documents from you. Please sign and return the forms by November 12, 2001. We have enclosed an assignment form as well. Please sign and notarize the assignment and return it along with the declaration and power of attorney. We would like to remind you that according to the October 25, 2000 "Memorandum of Understanding" you are obligated to sign these documents.

We have enclosed a Federal Express envelope for your convenience.

Yours truly,



Lisa M.W. Hillman, Ph.D
312 935 2371
hillman@mbhb.com

LMWH:tmp
Enclosure

cc: John J. McDonnell (w/o encl.)
Homer Pien (w/o encl.)



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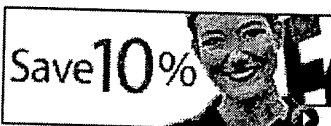
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Tracking Number 494717706577
 Reference Number
 Ship Date 11/05/2001
 Delivered To Recipient
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 Delivery Date/Time 11/06/2001 09:14
 Signed For By H.OBBS
 Service Type Priority Letter

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On FedEx vehicle for delivery LEXINGTON MA	11/06/2001 08:42	
Arrived at FedEx Destination Location LEXINGTON MA	11/06/2001 08:18	
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Left FedEx Origin Location CHICAGO IL	11/05/2001 23:02	
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www.mbhb.com

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312 913 0002 fax

November 12, 2001

Via Federal Express

Douglas Hobbs
1998 Massachusetts Avenue
Lexington, MA 02420

Re: U.S. Patent Application Ser. No.: 09/929,957
Entitled: **"A Label-Free High-Throughput Optical Technique for
Detecting Biomolecular Interactions"**
Inventors: Cunningham et al.
Our Ref. No.: 00-1123-A

Dear Dr. Hobbs:

This is our **third request**.

Enclosed are copies of the declaration and power of attorney forms. Copies of these documents were sent via Federal Express to you on October 23, 2001 and November 5, 2001 respectively. We have not yet received the signed documents from you. Please sign and return the forms **immediately**. We have enclosed an assignment form as well. Please sign and notarize the assignment and return it along with the declaration and power of attorney. We would like to remind you that according to the October 25, 2000 "Memorandum of Understanding" you are obligated to sign these documents.

We have enclosed a Federal Express envelope for your convenience.

Yours truly,

A handwritten signature in black ink, appearing to read "Lisa M.W. Hillman", with a long horizontal flourish extending to the right.

Lisa M.W. Hillman, Ph.D
312 935 2371
hillman@mbhb.com

LMWH:tmp
Enclosure

cc: John J. McDonnell (w/o encl.)



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11/12/2001

Dear Customer:

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Signed For By: H.OBBS



Delivery Location: 1998 MASS

Delivery Date: October 24, 2001

Delivery Time: 0918

Shipping Information:

Tracking No: 494717704758

Ship Date: October 23, 2001

R cipient:

DOUGLAS HOBBS

1998 MASSACHUSETTS AVENUE
LEXINGTON, MA 024200000
US

Shipper:

M B H B

M B H B

300 S WACKER DR STE 3200
CHICAGO, IL 606066705
US

Shipment Reference Information:

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